

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EVAN DOMANIC,

Plaintiff,

v.

Civil Action No.

CHRISTIAN BROTHERS

4:22-cv-00386

AUTOMOTIVE CORPORATION,

Defendant.

VIDEOCONFERENCE DEPOSITION OF

EVAN DOMANIC

DATE: Wednesday, May 22, 2024

TIME: 9:02 a.m.

LOCATION: Remote Proceeding

Dripping Springs, TX 78620

OFFICIATED BY: Sidney Martinez

JOB NO.: 6703564

A P P E A R A N C E S

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ALSO PRESENT:

Ben Merten, Tech Concierge (by videoconference)

Ty Camp, In-House Counsel, Christian Brothers

Automotive Corporation (by videoconference)

Tim Geiger, General Counsel, Christian Brothers

Automotive Corporation (by videoconference)

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1 Q And that was something that you were aware
2 of while you were going through the discovery process.
3 Correct?

4 A I mean, I was aware that it's a faith-based
5 company, and I had -- I had no issue with that at all.
6 When -- I mean, even on the call, Brandon wanted to
7 pray for me at the end of the phone calls. I -- I
8 welcomed it, and I had no issue whatsoever with him
9 doing that for me.

10 Q Do you recall the nature of the prayer?

11 A I mean, I recall him -- him saying, you
12 know, "We thank you for bringing Evan through this
13 process and bringing him to us. Please look over him
14 and his family."

15 And you know, he would -- he would say some
16 other things and -- and then say amen, and I even said
17 amen. You know? I appreciate you doing that for me
18 and my family.

19 Q All right. Looking at some of these other
20 requirements we talked about, the item number two
21 about leading a team of people, we have already talked
22 about that.

23 Number three there is team members who
24 believe in giving back. In 2020, if you were asked,
25 what was your track record, so to speak, or what was

1 open and willing and welcomed that process to be a
2 part of it.

3 Q Did you, at some point, tell Brandon Thomas
4 that you were a man of faith of the Jewish faith?

5 A Correct.

6 Q Okay. Do you consider that to be true about
7 yourself today?

8 A Yes, I think there's a difference between --
9 I'm not as observant as I used to be of that.

10 Q I understand. And you agree with me you are
11 not a Christian. Correct?

12 A I am not, no. I'm -- I'm ethnically Jewish.

13 Q And from a faith standpoint, you do not
14 believe in Jesus or follow the Christian religion.
15 Correct?

16 A Not -- not the Christian religion.

17 Q Right. Now, do you understand that -- well,
18 I think you have acknowledged that Christian Brothers
19 is a Christian faith-based company. Correct; you
20 agree with that?

21 A That's what it seems like.

22 Q Okay. And I mean, I could walk you through
23 more of what's on the website that shows that, but I
24 think you're acknowledging it, so I won't take the
25 time to do that.

1 But part of -- do you agree that part of
2 what they are trying to do is share the good news of
3 Jesus Christ through living their faith out through
4 the business?

5 A I see what they're doing, yeah, in their
6 mission, and I was happy to partake in that as a
7 franchisee. If they needed certain documents out on
8 the table, absolutely.

9 If they wanted things displayed on walls
10 saying their faith-based principles, by all means, put
11 it on the walls. I -- I never said I -- I had any
12 issue with them.

13 Q Okay. And however, to take it a step
14 farther, a part of their expectation is that the
15 franchisee owner will, in fact, share that person's
16 testimony about being a Christian, which means have a
17 personal relationship with Jesus Christ. You can see
18 how that can be a problem for you, because that would
19 not be true for you as a franchisee owner. Correct?

20 A Well, I can see how there's a lot of overlap
21 between the two faiths going back to old testament.
22 But when Brandon told me that the faith was not an
23 issue and that they have hired people from other
24 faiths and backgrounds, again, it never crossed my
25 mind, yeah.

1 Q No, I understand that, but now I'm going
2 beyond that, because Brandon denies that he said that,
3 and Christian Brothers denies that's their policy.

4 Which as we're here today, I don't think you
5 have any information or any reason to believe that
6 Christian Brothers does employ -- or I'm sorry, not
7 employ -- that Christian Brothers does contract with
8 and have non-Christian franchisee owners.

9 A I mean, I have to take Brandon at his word
10 when he said that, and I'm -- I don't know or believe
11 I have seen anything that said you had to be
12 100 percent Christian; other races or religions need
13 not apply. So that, again, never crossed my mind.

14 MR. AGTHE: Okay. Well, I'm going to
15 object that's nonresponsive.

16 BY MR. AGTHE:

17 Q My question is Christian Brothers is telling
18 you that every single franchisee is a Christian. Do
19 you have any reason to dispute that fact? And I will
20 say aside from what Brandon Thomas told you.

21 A Yeah, me personally, I -- I don't have any
22 other information regarding that.

23 Q Okay. So if that is a fact, even if Brandon
24 Thomas told you what you say he told you, it wasn't
25 accurate. And so what I want to explore with you

1 right now is whether you can acknowledge that it would
2 be difficult for you to fulfill the role of the
3 franchise owner and carry out the mission of a -- the
4 Christian mission if you are not a Christian.

5 And so for example, if part of fulfilling
6 that role in the eyes of Christian Brothers is for you
7 to share a personal testimony about the fact that
8 Jesus Christ is your personal savior, that's something
9 you wouldn't be able to do, because that's not true
10 for you. Correct?

11 A Yeah, I was never asked to do that.

12 Q No, I understand you were not, but if that
13 is what Christian Brothers requires, and if every
14 single Christian Brothers franchisee does meet that
15 qualification, you will agree with me you do not, in
16 fact, meet that qualification?

17 A I mean, from a qualification standpoint,
18 depending on how they qualify that, that's correct,
19 but I mentioned like I would -- I was open to having
20 pamphlets or brochures or stuff on the walls that
21 people could see that was consistent across the board
22 with all the franchises.

23 Q Sure. I understand that. And I think you
24 can understand that you might be fine being a
25 non-Christian as a franchisee, but you can understand

1 how Christian Brothers might have a different opinion
2 about that and might, in fact, want someone who is, in
3 fact, a full Christian who would share his personal
4 testimony and would carry out that mission, because
5 they actually believe the same things about Jesus
6 Christ. You can see that. Can't you?

7 A Yeah, to this point, I -- I haven't. that
8 hasn't been a thought process, because I was told it
9 wasn't an issue. But if that's an issue for them, I
10 -- I don't know.

11 Q Well, and just to -- you are correct that
12 there is an old testament and a new testament, and
13 there's certainly overlap between the Christian faith
14 and the Jewish faith.

15 However, you agree they do separate on some
16 really crucial issues, one being is Jesus Christ the
17 messiah and the son of god, which I don't believe you
18 believe that. Correct?

19 A At this point, I mean, I don't probably know
20 as much information as you're explaining on it. As I
21 mentioned, I haven't been as observant as I should be,
22 so I -- I can't say something I don't know.

23 Q Okay. So I mean, really, that's the same
24 way of saying, well, no. At this point, you do not
25 personally believe Jesus is the son of god. Correct?

1 A Again, it's not something I have thought
2 about.

3 Q Is he your -- do you have a personal
4 relationship with Jesus Christ as your savior?

5 A Not in particular.

6 Q Do you agree with the concept that Americans
7 have the right to freely exercise their religion by
8 choosing to associate with fellow believers to carry
9 out a religious mission?

10 MR. GROGAN: Objection. Form.

11 Go ahead and answer, Evan.

12 THE WITNESS: I believe, in a
13 congregation or a church setting, absolutely.

14 BY MR. AGTHE:

15 Q So as a -- because Christian Brothers is a
16 business, do you believe that right doesn't apply?

17 MR. GROGAN: Objection. Form.

18 A Sounds like discrimination.

19 MR. GROGAN: Go ahead, Evan.

20 THE WITNESS: It sounds like
21 discrimination.

22 BY MR. AGTHE:

23 Q So then, you think the right of free
24 association based on a religious purpose, that does
25 not apply to a company in a business situation?

1 MR. GROGAN: Objection. Form.

2 Go ahead, Evan.

3 THE WITNESS: I believe it could be a
4 part of the process or a, you know, part of their
5 founding or part of what they believe in, but I think
6 it should still be available to people who are willing
7 to conform to certain things.

8 BY MR. AGTHE:

9 Q So what you're saying is that you believe it
10 was unlawful for Christian Brothers to require that a
11 franchisee owner be aligned in the same religious
12 faith. Is that correct?

13 MR. GROGAN: Objection. Form.

14 Go ahead, Evan.

15 THE WITNESS: Can you -- can you repeat
16 that question?

17 BY MR. AGTHE:

18 Q Yeah. What you're saying is that you think
19 it was against the law for Christian Brothers to
20 require that franchisee owners be aligned in their
21 religious faith with Christianity?

22 MR. GROGAN: Objection. Form.

23 Go ahead.

24 THE WITNESS: I'm trying to understand
25 it. I -- I think it was against the law for them to

1 only work with Christians. Is that kind of what
2 you're getting at?

3 BY MR. AGTHE:

4 Q To make only Christians can be made a
5 franchisee owner, that's what I'm getting at, and you
6 -- because of their faith, their religious faith.

7 A It certainly doesn't sound right.

8 Q Okay. So you think that's illegal?

9 MR. GROGAN: Objection. Form.

10 Go ahead, Evan.

11 THE WITNESS: Okay. I mean, I'm -- I'm
12 not a lawyer. I don't understand the law, so.

13 BY MR. AGTHE:

14 Q Okay. But you think it's wrong?

15 A I -- I do think it's wrong.

16 Q Okay. Now, when you were told by Brandon
17 Thomas, essentially by Christian Brothers, that they
18 were discontinuing the process because you were not
19 aligned with their faith as a Christian, are you
20 saying that explanation, that reason is false?

21 MR. GROGAN: Objection. Form.

22 Go ahead, Evan.

23 THE WITNESS: He actually said I -- I
24 wasn't a fit for their culture, and then I asked is it
25 because I'm Jewish, to which he said yes. Faith

1 wasn't mentioned.

2 BY MR. AGTHE:

3 Q Just the word Jewish was mentioned?

4 A Correct.

5 Q Okay. Did you ever ask to see a form or a
6 prototype of the franchise agreement that, if you
7 became a franchisee owner, that you would be asked to
8 enter into?

9 A So like, so I understand your question, is
10 it like the -- the acceptance where I would be signing
11 to accept a franchise; is that what you're asking?

12 Q Yeah, I'm asking did you ask to see. "Hey,
13 what am I actually going to have to sign if I become a
14 franchisee," you know, "owner? Is there going to be a
15 legal document that I have to sign?" Did you ask
16 something like that?

17 A I did not ask anything particular to that.
18 Brandon said he really wanted to get me out for a
19 discovery day. He said, "I got to get you in front of
20 the executives and the committee."

21 And he said, "Once that happens," he goes,
22 "they can offer you a franchise there if they like
23 you." So that might have been where they could have
24 done that, but I never asked for it before that.

25 Q Okay. And certainly, you never read the

1 maliciously towards you?

2 MR. GROGAN: Objection. Form.

3 Go ahead, Evan.

4 THE WITNESS: I believe he was the
5 person or one of the persons that singled me out
6 through the process to deny me the opportunity.

7 BY MR. AGTHE:

8 Q Is there anything else that you would point
9 to?

10 A Not that I can think of right now.

11 Q Okay. In your discovery answers, you gave
12 me a lot of detail about the racial background of your
13 -- the maternal line. And I understand you didn't
14 give the paternal side, because it's not considered --
15 I guess, under the Jewish belief system, that, you
16 know, heritage is passed down maternally. Am I
17 stating that correctly?

18 MR. GROGAN: Objection to form.

19 Go ahead, Evan.

20 THE WITNESS: It comes from your
21 mother's side. Correct.

22 BY MR. AGTHE:

23 Q You put that a lot better than I did. Thank
24 you. I still wanted to ask about the paternal side.
25 So your father, is he also from the Jewish race?

1 A The race, no.

2 Q Okay. Is he of Jewish ethnicity?

3 A He -- he converted.

4 Q Can you explain to me about that?

5 A I don't know the full process. I was
6 younger. But he went through and -- and converted to
7 Judaism.

8 Q So by blood, he has no Jewish blood in him,
9 but by faith, he became a follower of the Jewish
10 faith. Is that what you're telling me?

11 A I believe so. I don't understand all the --
12 all the, you know, intricacies involved with it.

13 Q So what is his racial or ethnic background;
14 if he's not Jewish from a racial standpoint, what is
15 his background?

16 A To be honest, I don't know much about my
17 father's history. Him and his father never had a good
18 relationship, and I never knew him for the better part
19 of the first 15 or so years of my life. So I -- I
20 don't know too much about his family's side.

21 Q Okay. Do you have a relationship with him
22 now?

23 A With?

24 Q With your father.

25 A With my father?

1 Q Yes.

2 A No, I have a good relationship. You asked
3 about my father's side. I didn't -- he didn't have a
4 relationship with his father.

5 Q Okay. I got confused.

6 A That's my grandfather. So I don't know much
7 about history beyond that.

8 Q But you were -- when we were talking about
9 converting to Judaism, you were talking about your
10 immediate father. Correct?

11 A Yes.

12 Q Okay. And so I guess, in general, from a
13 racial standpoint, the way we would speak today, is he
14 a white man or a Caucasian man?

15 A I believe that's what he puts down.

16 Q Okay. And then, does he talk about, "I'm,"
17 you know, "I have got an English heritage," or "I have
18 got an Irish heritage," or something like that? Does
19 that ever come up? Do you have any knowledge about
20 that about him?

21 A Not -- not that I'm aware of.

22 Q Okay. Now, religiously, when you were
23 growing up, did your parents take you to the synagogue
24 to Jewish religious services?

25 A I did, yes, frequently.